UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BARBARA JEAN REYNOLDS AND HUSBAND, PAUL REYNOLDS	§	
	§	
VS.	§	**CIVIL ACTION: 2:09-cv-5**
	§	**Jury Trial**
SQA SERVICES, INC., GENERAL ELECTRIC COMPANY, ROBERT CHARLES CLARKE and DOES 1-10	§	

PLAINTIFFS' ORIGINAL COMPLAINT

COMES NOW, BARBARA JEAN REYNOLDS and husband, PAUL REYNOLDS, complaining of SQA SERVICES, INC., GENERAL ELECTRIC COMPANY, ROBERT CHARLES CLARKE and DOES 1-10, and in support of such complaint, would show the following:

1. Parties

1.1 BARBARA JEAN REYNOLDS and husband, PAUL REYNOLDS, are citizens of the State of Texas, residing in Marshall, Harrison County, Texas.

1.2 SQA SERVICES, INC., is a foreign corporation organized under the laws of the State of California. It may be served with process by serving its registered agent for service, James C. McKay, 550 Silver Spur Road, Suite 300, Rolling Hills, California 90275.

1.3 GENERAL ELECTRIC COMPANY (hereinafter referred to as "GENERAL ELECTRIC") is a foreign corporation, authorized to do business in the State of Texas, organized and existing under the laws of the State of New York. It may be served with process by serving its registered agent, The Corporation Company at 124 West Capitol Avenue, Suite 1400, Little

Rock, AR 72201. Plaintiffs reserve the right to sue General Electric Company in its correct name and capacity.

1.4 ROBERT CHARLES CLARKE is a citizen of the State of Illinois, residing at 3216 Fairview Avenue, Chicago Heights, Illinois 60411, where he may be served with process.

1.5 In the alternative, the true names, identities, or capacities, whether individual, associate, corporate or otherwise, of Defendants DOES 1 through 10, inclusive, and each DOE in between, are unknown to Plaintiffs at this time, and Plaintiffs therefore sue said Defendants by such fictitious names. When the true names, identities, capacities, or participation of such fictitiously designated Defendants are ascertained, Plaintiffs will ask leave of Court to amend their Complaint to insert said names, identities, capacities, together with the proper charging allegations. Plaintiffs are informed and believe and thereon allege that each of the Defendants sued herein as a DOE is responsible in some manner for the events and happenings herein referred to, thereby legally causing the damages to Plaintiffs as hereinafter set forth.

2. Jurisdiction and Venue

2.1 This Court has jurisdiction of the claim pursuant to *28 U.S.C. 1332(a)* because a complete diversity of citizenship exists and the amount in controversy exceeds $75,000.00.

2.2 This Court has venue of Plaintiffs' complaint pursuant to *28 U.S.C. 1391(a)(2)* because a substantial part of the events or omissions giving rise to the claim occurred in the Eastern District of Texas, Marshall Division.

3. Facts

3.1 On or about January 10, 2007, BARBARA JEAN REYNOLDS was operating her vehicle in a safe and lawful manner in Harrison County, Texas. At that time, she was traveling eastbound on US 80 through the intersection with FM 2199 when suddenly and without warning to her, the Defendant, ROBERT CHARLES CLARKE, who was traveling northbound on FM 2199, failed to yield the right-of-way and ran a stop sign in an attempt to cross US 80 as Plaintiff was approaching, resulting in a violent collision between the two vehicles.

4. Negligence of Defendants

4.1 ROBERT CHARLES CLARKE was negligent at the time and place in question and such negligence was the proximate cause of the collision. The acts of negligence of Defendant CLARKE include, but are not limited to, the following:

a. Failing to keep such lookout as a person of ordinary prudence would have kept under the same or similar circumstances;

b. Failing to make a timely and proper application of brakes in order to avoid the collision in question;

c. Failing to pay that degree of attention that a person using ordinary prudence would have used under the circumstances;

d. Failing to turn his vehicle to the right or left in an effort to avoid the collision in question;

e. Failing to operate the vehicle in accordance with State Statutes and Regulations;

f. Failing to take such evasive action as a person using ordinary care would have taken to avoid the collision in question;

g. Driving the vehicle recklessly with willful or wanton disregard for the safety of persons or property;

h. Driving the vehicle without regard for the safety and welfare of other persons or property as an ordinarily prudent person would have under the same or similar circumstances;

i. Failing to control his speed; and

j. Failing to yield the right-of-way.

4.2 Each and all of the acts and omissions, singularly or in combination with others, constitute negligence and/or negligence *per se*, which proximately caused the occurrence made the basis of this action, directly resulting in the injuries and damages to Plaintiffs.

4.3 At all times relevant hereto, ROBERT CHARLES CLARKE was an employee of SQA SERVICES, INC., and was in the course and scope of his employment. The negligence of ROBERT CHARLES CLARKE is therefore imputed to SQA SERVICES, INC. The negligence of Defendant SQA SERVICES, INC., both directly and vicariously, was the proximate cause of the collision in question, pursuant to the legal doctrine *respondeat superior*.

4.4 In the alternative, at all times relevant hereto, ROBERT CHARLES CLARKE was an employee of GENERAL ELECTRIC and was in the course and scope of his employment. The negligence of ROBERT CHARLES CLARKE is therefore imputed to GENERAL ELECTRIC. The negligence of Defendant GENERAL ELECTRIC, both directly and vicariously, was the proximate cause of the collision in question, pursuant to the legal doctrine *respondeat superior*.

4.5 In the alternative, at all times relevant hereto, ROBERT CHARLES CLARKE was an employee of DOES 1-10 and was in the course and scope of his employment. The negligence of ROBERT CHARLES CLARKE is therefore imputed to DOES 1-10. The negligence of Defendants DOES 1-10, both directly and vicariously, was the proximate cause of the collision in question, pursuant to the legal doctrine *respondeat superior*.

5. Damages

5.1 As a direct and proximate result of the negligent conduct of the Defendants and the subject collision, Plaintiff, BARBARA JEAN REYNOLDS, sustained serious personal injuries. As a result of these injuries, she has suffered the following damages:

a. Physical pain and mental anguish in the past and future;

b. Lost wages and loss of earning capacity in the past and future;

c. Physical and mental impairment in the past and future;

d. Medical expenses in the past and future; and

e. Disfigurement in the past and future.

5.2 Plaintiff PAUL REYNOLDS is the husband of BARBARA JEAN REYNOLDS. Prior to the collision made the basis of this suit, Plaintiffs enjoyed a loving relationship, sharing the mutual affection, solace, comfort, companionship, society, assistance, sexual relations, emotional support, and felicity of a successful marriage. As a proximate cause of Defendants' negligence and subsequent collision and injuries sustained by BARBARA JEAN REYNOLDS, that relationship has been damaged and PAUL REYNOLDS has sustained a loss of consortium.

5.3 BARBARA JEAN REYNOLDS and husband, PAUL REYNOLDS seek pre-judgment and post-judgment interest at the maximum amount for the maximum period allowed by law.

6. Prayer

PREMISES CONSIDERED, Plaintiffs pray that Defendants be duly cited to appear and answer this Complaint. Plaintiffs further pray that, upon final hearing, Plaintiffs have judgment against Defendants for damages in a sum in excess of the minimum jurisdictional limits of this Court, both pre-judgment and post-judgment interest, costs of court, and such other relief to which they may show themselves justly entitled.

RESPECTFULLY SUBMITTED,

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ATTORNEYS FOR PLAINTIFFS

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY